IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 1506 of 2007(D)

PETITIONER:

KOTAK MAHINDRA BANK LTD.,
1ST FLOOR, CEEBROS CENTRE,
39 MONTHIETH ROAD, EGMORE, CHENNAI-600 008,
REPRESENTED BY ITS DEPUTY MANAGER
ARD LEGAL BABU PATTATHANAM.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS:

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1. THE SUB DIVISIONAL MAGISTRATE,
KOLLAM.

2. THE STATION HOUSE OFFICER,
WEST POLICE STATION, KOLLAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.1506 OF 2007

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Dated this the 22nd day of January 2007

JUDGMENT

Writ petition is filed for direction to release an abandoned lorry taken into custody by police authorities. Eventhough petitioner approached this court earlier, this court held that Sub Divisional Magistrate before whom police has filed report should consider application to release it. However, the Sub Divisional Magistrate issued Ext.P9 stating that vehicle could not be released without receiving report from forensic lab and finger print experts. Petitioner's claim is that the vehicle is financed by them on hypothecation and if it is allowed to remain in custody of police, it will get rusted leading to heavy loss to the petitioner. It is reported that owner, driver and cleaner are not traced yet and the last load was a load of cotton from Andra which did not reach the consignee. In any case, apparently there is no claim on the truck by any authorities in this state. Cases are said to be pending before various courts in Tamil Nadu and also before the police.

2. In any case, since petitioners are reputed company and

is financier, I feel vehicle could be released to the petitioner after getting report from finger print expert and forensic lab and on petitioner executing a bond before the concerned RDO undertaking to deposit so much of the amount representing value of the vehicle claimed to meet any claim from any authority what so ever including claimants. There shall be a direction to the 2nd respondent, the Crime Bureau and the forensic lab to forward the report to the first respondent within two weeks from the date of receipt of a copy of judgment and immediately thereafter first respondent will release the vehicle to petitioner on petitioner executing a bond as above. Petitioner will produce copy of judgment before respondents for compliance.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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